REMARKS/ARGUMENTS

I. Interview Summary:

At the outset, Applicant, Elias Georges, Ph.D., and Applicant's representatives, Ann-Louise Kerner, Ph.D., and James T. Olesen, Ph.D., thank Supervisory Patent Examiner, Long V. Le, Ph.D., and Examiner, Gailene R. Gabel, Ph.D., for the courtesy of the personal Examiner's interview held on January 19, 2005 at the United States Patent and Trademark Office.

Pursuant to 37 C.F.R. § 1.133(b), Applicant provides the following Interview Summary.

At the interview, Applicant explained how the instantly claimed invention was distinguishable over the art of record. In addition, Applicant's representatives provided the Examiners with a proposed amendment to claim 26. The proposed amendment was similar to instant claim 26. The Examiners indicated that the proposed amendments appeared to overcome the rejections of record with respect to claim 26.

II. Status of Claims:

Claims 10-17, 19, 20, 23, 24, 26, 27, 29-34, 36, 39, 40, and 75-78 are pending and under consideration in the application.

Claims 42-50, 52, 55, 56, 58-69, and 72 have been withdrawn as being drawn to a non-elected invention without prejudice for examination at a later date.

Claims 11, 27, and 78 have been canceled herewith without prejudice or disclaimer.

Claims 10, 26, and 77 have been amended herewith. Support for the amendment to claim 10 can be found, for example, in the following sections of the published application (*i.e.*, US2002/0142348): Fig. 2; [0073]; [0052]; [0074]; Fig. 6; [0078]; Fig. 9; [0081]; Fig. 11; [0083]; first full line of the right column of [0089]; [0092]; [0101]; [0132]; [0137]; [0138]; and [0139]. Support for the amendment to claim 26 can be found, for example, in the following sections of the published application: Fig. 3; [0075]; [0052]; [0074]; Fig. 6; [0078]; Fig. 9; [0081]; Fig. 11; [0083]; first full line of the right column of [0089]; [0092]; [0101]; [0132]; [0137]; [0138]; and [0139]. Support for the amendment to claim 77 can be found, for example, in Fig. 14 and [0086].

Applicants respectfully reserve the right to pursue the subject matter as originally claimed in further filings.

Thus, no new matter has been added by way of the instant amendments to the claims. Accordingly, Applicants respectfully request entry of the instant amendment.

III. Withdrawn Rejections:

Applicants gratefully note that the rejection of claims 10-16, 19, 23, 26, 27, 29-33, 39, and 75-78 under 35 U.S.C. § 102(b) as being anticipated by Miwa (EP 0 818 467A2) has been withdrawn by the Examiner.

IV. Rejection under 35 U.S.C. § 112, first paragraph:

Claims 10-17, 19, 20, 23, 24, 26, 27, 29-34, 36, 39, 40, and 75-78 remain rejected under 35 U.S.C. § 112, first paragraph, for allegedly failing to comply with the written description requirement (*see,* Office Action pages 3-4). The Office Action states that this rejection is directed to the negative limitation recited as "the polypeptide is not an antibody" (*see,* Office Action page 6, last line, first incomplete paragraph).

Applicant notes that none of the claims, as instantly amended, recite the negative limitation at issue. Applicants reserve the right to pursue the subject matter of the claims, as originally subject to the negative limitation in further filings. These amendments render the grounds for this rejection moot. Accordingly, Applicant respectfully requests reconsideration of this rejection, and withdrawal of the same.

V. Rejections under 35 U.S.C. § 103(a):

(a) Claims 10-17, 23, 26, 27, 29-34, 39, and 75-78 remain rejected under 35 U.S.C. § 103(a) as purportedly being unpatentable over Geysen (US 5,595,915), in view of Miwa (EP 0 818467A2) (*see,* Office Action page 4, section 5).

As a preliminary matter, Applicant notes that independent claims 10 and 26 have been amended herewith. Accordingly, Applicant addresses this rejection in relation to the instant claims.

According to MPEP § 2143, to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

In the instant case, Applicant respectfully asserts that a *prima facie* case of obviousness does not exist because the references cited in the Office Action, either alone, or in combination, do not teach or suggest all claim limitations of the present claims. Specifically, none of the references either alone, or in combination, teach or suggest a method for identifying a polypeptide that binds with high affinity to a peptide region in a chosen protein, the peptide region being adjacent to a repulsive peptide region of the chosen protein, as recited in independent claim 10. Similarly, none of the references either alone, or in combination, teach or suggest a method for identifying a peptide region in a chosen protein that binds to a polypeptide with a high affinity and is adjacent to a repulsive peptide region of the chosen polypeptide, as recited in independent claim 26.

For the foregoing reasons, Applicant respectfully requests reconsideration of this rejection under 35 U.S.C. § 103(a) and withdrawal of the same.

(b) Claims 10-17, 20, 24, 26, 27, 29-34, 36, 40, and 75-78 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Georges *et al.* (*J. Biol. Chem.* **268(3)**:1792-98, 1993) in view of Miwa (EP 0 818467A2) (*see*, Office Action page 4, section 5).

Once again, Applicant notes that independent claims 10 and 26 have been amended herewith. Accordingly, Applicant addresses this rejection in relation to the instant claims.

Applicant respectfully asserts that a *prima facie* case of obviousness does not exist because the references cited in the Office Action, either alone, or in combination, do not teach or suggest all claim limitations of the present claims. Specifically, none of the references either alone, or in combination, teach or suggest a method for identifying a polypeptide that binds with high affinity to a peptide region in a chosen protein, the peptide region being adjacent to a repulsive peptide region of the chosen protein, as recited in independent claim 10. Similarly, none of the references either alone, or in combination, teach or suggest a method for identifying a peptide region in a chosen protein that binds to a polypeptide with a high affinity and is adjacent to a repulsive peptide region of the chosen polypeptide, as recited in independent claim 26.

For the foregoing reasons, Applicant respectfully requests reconsideration of this rejection under 35 U.S.C. § 103(a) and withdrawal of the same.

CONCLUSION

Upon entry of the instant amendment, claims 10, 12-17, 19, 20, 23, 24, 26, 29-34, 36, 39, 40, and 75-77 will be pending in the instant application.

Applicant respectfully avers that all rejections of these claims have been overcome and that these claims are in condition for allowance.

Applicants petition for a one-month extension of time to respond to the outstanding Final Office action. Please charge the requisite fees to our Deposit Account No. 08-0219.

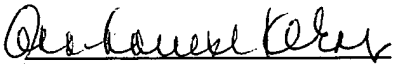
Other than the extension of time and RCE fees, no additional fees are due in connection with this filing. However, if any fees are due, please charge any underpayments, or credit any overpayment, to our Deposit Account No. 08-0219.

If there are any questions regarding this application, the Examiner is invited to call the undersigned at the telephone number indicated below.

Respectfully submitted,

WILMER CUTLER PICKERING HALE AND DORR LLP

Date: February 1, 2006



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